

HONORABLE RICHARD A. JONES  
HONORABLE THERESA L. FRICKE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DANA MCARTHUR, as Personal  
Representative of the ESTATES of ANDREA  
MCARTHUR and RACHEL MCARTHUR,  
and as ANDREA MCARTHUR and RACHEL  
MCARTHUR's Wrongful Death Beneficiary;  
COLLIN KOMPLIN, as Personal  
Representative of the ESTATE OF  
JACQUELYN KOMPLIN, and ERIN  
KOMPLIN and COLLIN KOMPLIN as  
JACQUELYN KOMPLIN's Wrongful Death  
Beneficiaries; GERALD L. FULLER as  
Personal Representative of the Estate of  
JANET G. KROLL, and GERALD L.  
FULLER and WENDY CAVALLI, as JANET  
G. KROLL's Wrongful Death Beneficiaries,

Plaintiffs,

v.

HOLLAND AMERICA LINE, INC.;  
HOLLAND AMERICA LINE N.V., LLC,  
doing business as HOLLAND AMERICA  
LINE N.V.; HAL ANTILLEN N.V.,

Defendants.

Case No.: 2:22-cv-01071-RAJ-TLF

ORDER ON PLAINTIFFS' MOTION  
TO SEAL, DKT. 122 AND 127

This matter came before the Court on Defendants Holland America Line, Inc., Holland  
America Line N.V., LLC, doing business as Holland America Line N.V., and HAL Antillen N.V.'s

1 (“Holland America Defendants”) Motion for Summary Judgment. The Court having reviewed the  
2 files and records herein and being otherwise advised, including the following:

3 1. Plaintiffs’ Motion to Seal Exhibit Nos. 1-3, 81 to the Declaration of James S.  
4 Rogers in Opposition to Holland America Defendants’ Motion for Summary Judgment;

5 2. Declaration of Heather M. Cover in Support of Plaintiffs’ Motion to Seal Exhibits  
6 Nos. 1-3, 81 to the Declaration of James S. Rogers in Opposition to Holland America Defendants’  
7 Motion for Summary Judgment;

8 3. Plaintiffs’ Errata to Their Motion to Seal and Supporting Declaration;

9 4. Defendants’ Response to Plaintiffs’ Motion to Seal Exhibits to the Declaration of  
10 James S. Rogers in Opposition to Holland America Defendants’ Motion for Summary Judgment;

11 5. Declaration of Jessica A. Ashe re Holland America Defendants’ Response to  
12 Motion to Seal;

13 6. Declaration of Jennifer Miller Re Holland America Defendants’ Response to  
14 Motion to Seal;

15 7. Declaration of Karen Reich Re Holland America Defendants’ Response to Motion  
16 to Seal;

17 8. Declaration of Caryn Geraghty Jorgensen Re Holland America Defendants’  
18 Response to Motion to Seal;

19 9. Plaintiffs’ Reply Re Motion to Seal, if any, including any declarations;

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NOW THEREFORE, IT IS HEREBY ORDERED THAT the Plaintiffs' Motion to Seal is GRANTED as follows:

**Based on the testimony in the Declaration of Karen Reich:**

ECF No.	Document(s) to be Sealed	Ruling	Reasoning
121-1	Ex. 1 to Response Declaration of James Rogers ( <u>Reich deposition excerpt: 102:6-105:25</u> )		Internal executive-level discussion evaluating risks and formulating strategic plans to address HAL Shore Excursion air tour safety.
121-18	Ex. 18 to Response Declaration of James Rogers ( <u>HAL_120278-279</u> )		Internal HAL executive-level discussion of an air tour accident involving an air carrier which sold tours through Holland America's Shore Excursion program.
121-37	Ex. 38 to Response Declaration of James Rogers ( <u>HAL_100294-295</u> )		Internal HAL executive-level discussion evaluating risks and formulating strategic plans related to HAL's Shore Excursion air tour safety.
121-48	Ex. 50 to Response Declaration of James Rogers ( <u>HAL_107928-930</u> )		Internal HAL executive-level discussion related to the post-accident evaluation of a HAL Shore Excursion air tour operator and the decision-making process regarding reinstatement of associated HAL Shore Excursions.
121-53	Ex. 55 to Response Declaration of James Rogers ( <u>HAL_100278-284</u> )		Internal HAL executive-level discussion related to minimum insurance requirements and revenues associated with HAL's Shore Excursion program policy.

## Based on the testimony in the Declaration of Jessica Ashe:

ECF No.	Document(s) to be Sealed	Ruling	Reasoning
121-3	Ex. 3 to Response Declaration of James Rogers ( <u>Ashe deposition excerpt: 57:7-66:19</u> )		Testimony re strategic marketing programs intended to increase Shore Excursion revenue for HAL in Alaska.
121-6	Ex. 6 to Response Declaration of James Rogers ( <u>HAL_105611</u> )		Internal discussions of strategic marketing programs intended to increase Shore Excursion revenue for HAL in Alaska.
121-7	Ex. 7 to Response Declaration of James Rogers ( <u>HAL_105653</u> )		Internal discussions of strategic marketing programs intended to increase Shore Excursion revenue for HAL in Alaska.
121-9	Ex. 9 to Response Declaration of James Rogers ( <u>HAL_107106-113</u> )		Internal discussions of strategic marketing programs intended to increase Shore Excursion revenue for HAL in Alaska.
121-8	Ex. 8 to Response Declaration of James Rogers ( <u>HAL_105816-836</u> )		Internal discussion of strategic marketing programs intended to increase Shore Excursion revenue for HAL in Alaska. This document also contains confidential sales and financial data for tours in Alaska.
121-64	Ex. 66 to Response Declaration of James Rogers ( <u>HAL_111399</u> )		Description of the agenda for an internal meeting regarding an update of HAL's website at the direction of HAL legal counsel.
121-65	Ex. 67 (excerpts) to Response Declaration of James Rogers ( <u>HAL_103176-177</u> )		Internal discussion of HAL's strategic marketing decisions related to tour offerings in Alaska.

## Based on the testimony in the Declaration of Jennifer Miller:

ECF No.	Document(s) to be Sealed	Ruling	Reasoning
121-2	Ex. 2 to Response Declaration of James Rogers ( <u>Miller deposition excerpt: 72:1-25</u> )		Testimony re strategic internal discussion of Holland America's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-2	Ex. 2 to Response Declaration of James Rogers ( <u>Miller deposition excerpt: 185:10-186:16</u> )		Testimony re strategic internal discussion detailing Holland America's decision making process of evaluating reinstatement of a shore excursion for risk, revenue, and insurance requirements.
121-2	Ex. 2 to Response Declaration of James Rogers ( <u>Miller deposition excerpt: 206:18-208:14</u> )		Testimony re internal discussion related to Holland America's decision making regarding sales of shore excursions in future years.
121-81	Ex. 81 to Response Declaration of James Rogers ( <u>Vlad deposition excerpt: 40:22-42:5</u> )		Testimony re HAL internal strategic communications related to decision making concerning tour cancellation and guest communications arising from an air tour accident.
121-25	Ex. 26 to Response Declaration of James Rogers ( <u>HAL_111243-244</u> )		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-42	Ex. 43 to Response Declaration of James Rogers ( <u>HAL_111036-038</u> )		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.

ECF No.	Document(s) to be Sealed	Ruling	Reasoning
121-74	Ex. 76 to Response Declaration of James Rogers ( <u>HAL_109231-232</u> )		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-75	Ex. 77 to Response Declaration of James Rogers ( <u>HAL_121035-036</u> )		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-77	Ex. 79 to Response Declaration of James Rogers ( <u>HAL_123750</u> )		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-78	Ex. 80 to Response Declaration of James Rogers ( <u>HAL_119941-942</u> )		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-81	Ex. 83 to Response Declaration of James Rogers ( <u>HAL_109173-176</u> )		Strategic internal discussions of HAL's Shore Excursion program as relates to tour cancellation/refund policy and communications arising from an air tour accident.
121-55	Ex. 57 to Response Declaration of James Rogers ( <u>HAL_117086-091</u> )		Strategic internal discussions detailing HAL's decision making process of evaluating reinstatement of a HAL Shore Excursion as relates to risk, revenue, and insurance requirements.

ECF No.	Document(s) to be Sealed	Ruling	Reasoning
121-56	Ex. 58 to Response Declaration of James Rogers ( <u>HAL_117077-080</u> )		Strategic internal discussions detailing HAL's decision making process of evaluating reinstatement of a HAL Shore Excursion as relates to risk, revenue, and insurance requirements.
121-57	Ex. 59 to Response Declaration of James Rogers ( <u>HAL_110590-591</u> )		Strategic internal discussions detailing HAL's decision making process of evaluating reinstatement of a HAL Shore Excursion as relates to risk, revenue, and insurance requirements.
121-92	Ex. 94 to Response Declaration of James Rogers ( <u>HAL_112790-791</u> )		Strategic internal discussions detailing HAL's decision making process of evaluating reinstatement of a HAL Shore Excursion as relates to risk, revenue, and insurance requirements.
121-60	Ex. 62 to Response Declaration of James Rogers ( <u>HAL_123653</u> )		Internal discussion related to HAL's strategic decision making regarding sales of shore excursions in future years.
121-84	Ex. 86 to Response Declaration of James Rogers ( <u>HAL_116035-37</u> )		Contains HAL sales and revenue data for various Alaska Shore Excursion program offerings.

Dated this 6th day of January 2025.



Theresa L. Fricke  
United States Magistrate Judge